

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Joseph Linder,)	
)	
Plaintiff,)	Civil Action No. 5:16-241-RMG
)	
vs.)	
)	
Carolyn W. Colvin, Acting Commissioner)	ORDER
of Social Security Administration,)	
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court on the Commissioner's motion to reverse the final decision of the agency pursuant to Sentence Four of 42 U.S.C. § 405(g) (Dkt. No. 13) and to remand the matter to the agency to address the issues raised in Plaintiff's Brief (Dkt. No. 12). The Court is informed that Plaintiff consents to the remand. (*Id.* at 1-2).

The Court has reviewed the Plaintiff's Brief, the decision of the Administrative Law Judge ("ALJ") under challenge (Transcript of Record ["Tr."] 496-507), and the prior order of this Court reversing and remanding the Commissioner's previous decision in this matter (Tr. 588-612). It is quite clear that the ALJ failed to follow the clear directives of this Court on remand, which included the order to (1) address whether Plaintiff's lack of medical care was related to his inability to afford medical treatment; and (2) obtain vocational expert testimony to address any differences between the standing/walking limitation of four hours per day and the standard definition of "light work," as required by SSR 00-4p. (Tr. 605-10). Additionally, Plaintiff has raised in Plaintiff's Brief other substantial issues that need to be addressed on remand. (Dkt. No.

12 at 9-13). Reversal and remand are clearly in order under these circumstances.

The Court is mindful that Plaintiff's application for disability benefits has been pending since March 2011, now in excess of five years. Further delay in processing this application is not acceptable. The Commissioner is directed to schedule an administrative hearing in this matter within 60 days of this order and the ALJ shall issue his decision within 30 days thereafter. Any review by the Appeals Council shall be completed within 30 days of the decision of the ALJ. Any further failure to follow the orders of this Court will result in a hearing to address sanctions.

The Commissioner's motion to reverse the decision of the agency pursuant to Sentence Four of 42 U.S.C. §405(g) and to remand the matter for further action consistent with the order of the Court is **GRANTED**. (Dkt. No. 13).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
August 8, 2016